

CITY COUNCIL
ATLANTA, GEORGIA

09-R-0222

AS SUBSTITUTED BY FULL COUNCIL
RESOLUTION BY FINANCE/EXECUTIVE
COMMITTEE

A RESOLUTION OPPOSING HOUSE RESOLUTION 21 THAT WOULD AMEND ARTICLE IX, SECTION I, PARAGRAPH II OF THE GEORGIA CONSTITUTION TO ALLOW FOR THE RE-CREATION OF MILTON COUNTY AND CAMPBELL COUNTY ALONG BOUNDARIES GENERALLY SIMILAR BUT NOT IDENTICAL TO THOSE THAT EXISTED IMMEDIATELY PRIOR TO THE MERGER OF MILTON AND CAMPBELL COUNTIES INTO FULTON COUNTY BY A MAJORITY VOTE ONLY OF THOSE VOTERS IN THE AREA PROPOSED TO FORM THE RE-CREATED COUNTY; NOW BEING CONSIDERED BY THE GEORGIA GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.

WHEREAS, House Resolution 21 has been introduced during the 2009 session of the Georgia General Assembly; and

WHEREAS, House Resolution 21 amends the Georgia Constitution by providing for a new process of dividing counties that were previously merged with another county, specifically, substituting approval by a majority vote of *only* those voters in the portion of the existing county that is to be divided *for* a majority vote of *all* the voters in the county that is to be divided; and

WHEREAS, the City Council of the City of Atlanta, Georgia, opposed similar legislation in 2007 that would have allowed for the creation of Milton County (Resolution 07-R-0130); and

WHEREAS, the City of Atlanta ("City"), pursuant to its Charter and for over one hundred thirty years has had the authority and responsibility to provide water and sewer services to its customers, and for over ninety years has had the authority and responsibility to provide water service to its customers both inside and outside its municipal boundaries; and

WHEREAS, the City's investments in water and sewer infrastructure inside and outside the City's municipal boundaries has made possible the prosperous development of the Greater Metropolitan Atlanta Area, especially the areas that once made up the former Milton County (currently portions of North Fulton) and Campbell County (currently portions of South Fulton); and

WHEREAS, the City currently is the water service provider for two areas outside of its City limits - a majority portion of Sandy Springs and most of South Fulton and;



WHEREAS, the City has constructed and fully developed a water distribution system in Sandy Springs and South Fulton and has a fifty percent (50%) ownership interest in the jointly owned the North Area Water Treatment Plant with Fulton County;

WHEREAS, the City also operates two wastewater reclamation centers outside of its municipal boundaries – one of which lies in unincorporated south Fulton County; and

WHEREAS, under the current Service Delivery Act, a new Milton County and a new Campbell County would not be required to include the City of Atlanta in the creation of or revisions to the Service Delivery Strategy Agreement for the new Milton County – leaving the City's service area vulnerable to being taken without its consent;

WHEREAS, the City has outstanding water and sewer revenue bond debt of approximately \$2.6 billion and the City is obligated to repay this debt through the revenues generated by operating the City's regional wastewater and water treatment and distribution systems;


WHEREAS, to raise the aforementioned debt in a timely manner and under reasonable repayment terms in the capital markets, the City has pledged all of its revenues from operating its wastewater and water systems as security for the bonds; and

WHEREAS, the service areas of South Fulton and Sandy Springs represent approximately thirty-two percent (32%) of the City's drinking water customers, approximately thirteen percent (13%) of the City's annual water revenues and approximately \$550-600 million in bonding capacity to fund capital improvements; and

WHEREAS, the additional financial pressure of possibly losing water service areas and water and wastewater infrastructure, especially in conjunction with the current drought conditions, the current economic crisis, and the City's Consent Decree obligations could pose undue financial stress on the City's water and wastewater system;

WHEREAS, any limitation on the City's water and sewer revenues will negatively impact the City's ability to fulfill its Consent Decree obligations, which may require taking legal action in federal court to enjoin any such state laws or to impose liability on the State of Georgia; and

WHEREAS, City residents could be adversely impacted by a new county created under the process provided for in House Resolution 21 in a variety of ways, including but not limited to: (1) a reduction in the amount of local option sales taxes that the City and other Fulton County municipalities receive without a corresponding reduction in responsibilities resulting in either tax increases or service reductions or both, (2) the creation of confusion and unrest during times of chaos or fear as a result of the increase in the number of governing authorities with which coordination to respond to public safety, health and Homeland security issues is necessary, (3) reductions in funding for the Metropolitan Atlanta Rapid Transit Authority, (4) reductions in services provided by



Grady Hospital, and (5) reductions funds available from Tax Allocation Districts that are crucial to the redevelopment of several areas of the City and other areas of Fulton County; and

WHEREAS, *all* qualified voters in Fulton County should have an opportunity to approve or disapprove any proposal to divide said county as provided in the current Georgia Constitution; and

WHEREAS, House Resolution 21 is not in the best interests of the City and could adversely affect Atlanta residents, other municipalities in Fulton County, other water and wastewater service providers in the Metropolitan Atlanta area, other jurisdictions downstream of the City, and the State of Georgia.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that it opposes House Resolution 21.

BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

BE IT FINALLY RESOLVED, that the clerk of Council is hereby instructed to immediately transmit an official copy of this Resolution to the members of the Atlanta-Fulton County delegations to the Georgia House of Representatives and the Georgia Senate.

A true copy,


Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Shirley Franklin

FEB 16, 2009
FEB 23, 2009

09-R-0222

(Do Not Write Above This Line)

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FINANCE/EXECUTIVE COMMITTEE
AS SUBSTITUTED BY FULL COUNCIL

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CAMPBELL COUNTY ALONG BOUNDARIES
GENERALLY SIMILAR BUT NOT IDENTICAL
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CAMPBELL COUNTIES INTO FULTON
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FORM THE RE-CREATED COUNTY; NOW
BEING CONSIDERED BY THE GEORGIA
GENERAL ASSEMBLY; AND FOR OTHER
PURPOSES.

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred **ADOPTED BY**

Referred To: FEB 16 2009

Date Referred

Referred To: **COUNCIL**

Date Referred

Referred To: **SUBSTITUTE**

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Finance/Executive
Date *2/11/9*

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 16 2009

Michael A. Smith
COUNCIL PRESIDENT PROTEM

FEB 16 2009

Renee Thompson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Mayor Smith
MAYOR